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# TOWN OF WEST HARTFORD

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## Personnel Rules



DEPARTMENT OF EMPLOYEE SERVICES  
50 South Main Street, Room 221  
West Hartford, Connecticut 06107

Friday, May 29, 2015

# **TOWN OF WEST HARTFORD PERSONNEL RULES**

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## **30.0.0 PERSONNEL RULES**

**30.0.1 Purpose of Rules.** It is the purpose of these rules to give effect to the intent and requirements of Chapter VIII of the Charter (effective July 1, 1971) as amended, of the Town of West Hartford pertaining to a Personnel Department.

**30.0.2 Application.** These rules shall apply to all employees in the classified service.

**30.0.3 Administrative Procedures.** The director may establish, rescind or amend such administrative procedures as he/she may consider necessary for the implementation of these rules.

**30.0.4 Violation of Rules.** Any person who shall willfully or through culpable negligence violate or conspire to violate any provisions of these rules shall be subject to the penalties provided in these rules, or in the case of violations for which no specific disciplinary action is provided by these rules shall be subject to disciplinary action to be determined by the Town Manager, the action to be commensurate with the offense. Such action shall be reviewable, upon written appeal, by the Personnel Board.

Nothing in this section shall be construed to supplant or in any way affect any prosecution that may be initiated under any other provisions of public law relating to the nonfeasance, malfeasance or of public officers.

### **30.0.5 Definitions**

**Charter.** The Charter of the Town of West Hartford as effective July 1, 1971 and as amended and effective as of July 22, 1986.

**Allocation.** The assignment of an individual position to an appropriate class on the basis of kind of work, duties and the responsibilities of the position.

**Appeal.** An application or procedure for review of: an administrative decision of the Personnel Director; or a disciplinary action, submitted or instituted by an employee(s) to higher authorities as provided by these Rules.

**Applicant.** A person who has completed and submitted an application for employment with the Town.

**Appointing Authority.** The Town Manager is the appointing authority for all classified positions unless he delegates in writing such authority to the head of a department or office, or except as otherwise provided by the Charter.

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*Appointment.* The appointment of a person to a position in the classified service of the Town. Appointments shall be of the following types: Original, Emergency, Temporary, Provisional, Re-employment, Transfer, Promotion, Demotion.

*Assembled Examination.* An examination for which applicants are required to appear at a specific place for the purpose of taking a test.

*Base Rate, Regular Rate.* The actual step within a range in the pay plan at which an employee is compensated.

*Board.* The Personnel Board of the Town as defined in the Charter.

*Break in Service.* Any interruption from the service of the Town, whether by resignation, lay-off, dismissal, retirement, or absence without authorized leave of three days or more.

*Career Service Plan.* The plan under which police officers are encouraged toward career development through service in various divisions within the department.

*Certification.* The act, by the Personnel Director, of supplying an appointing authority with the names of applicants deemed eligible for appointment to a vacant position.

*Chapter VIII.* The Chapter of the Charter of the Town of West Hartford governing the personnel program of the Town.

*Class or Class Position.* A group of positions established under these Rules sufficiently similar with respect to the duties, authorities, and responsibilities of a class with its title and qualification standards.

*Class Specification.* The written description of the duties and responsibilities of a class with its title and qualification standards.

*Classification Plan.* The arrangement of all positions in the classified service into a system of classes.

*Classified Service.* All full-time or part-time permanent positions in the administrative service of the Town except School Crossing Guards, and those specifically excluded by Charter or Ordinance.

*Compensation.* The salary, wages, fees, and all other forms of valuable consideration, earned or paid to any employee of the classified service by reason of service in the position, but does not include allowances for expenses authorized and incurred as incidents to employment.



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*Compensatory Leave.* Time off with pay from regularly scheduled work in lieu of monetary payment for having worked in excess of the regularly scheduled work week, where permitted by contract or applicable by law.

*Council.* The Town Council of West Hartford.

*Demotion.* The voluntary or involuntary change of an employee from a position in one class to a position in a class for which a lower maximum rate of pay is established.

*Department.* A major unit of administrative organization of the Town as established and designated by the Charter or Ordinance.

*Dismissal.* Separation from Town employment for cause either during or after probationary period.

*Division.* A sub-unit of a Department of the Town.

*Eligible.* A person who has met the minimum requirements established for a position and whose name has been placed on an eligible list.

*Eligible List.* Any of the lists of names of persons eligible for appointment to positions in a classified service of the Town including employment lists, reemployment lists, and promotional lists.

*Emergency Employee.* An individual appointed by an appointing authority without recourse to an eligible list because of an emergency affecting the health, welfare or public safety of the Town. Such appointments have limits prescribed by the rules.

*Employee.* An individual who occupies a classified position in the service of the Town and is paid through the Town payroll for his services.

*Examination.* The process of testing, evaluating or investigating the fitness and qualifications of applicants and includes the probationary period.

*Grade.* A ranking established for regular salary purposes wherein all positions or classes of positions in the classified service that are determined to be of the same level with respect to the difficulty and responsibility of their duties are equal salary-wise.

*Hearing.* A meeting of the Board for purposes of hearing appeals of classified employees from administrative action or as provided by these rules or collective bargaining agreements.

*Incumbent.* An employee occupying a classified position in the Town service.

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*Involuntary Termination or Dismissal.* Discharge from the classified service for cause either during or after the probationary period.

*Lay-Off.* The removal of an employee because of lack of work, failure of financial appropriation, or other causes which do not reflect on the employee. Lay-offs shall not be considered as dismissals.

*Merit Pay Increment.* An increase in compensation established in a pay plan which may be granted to an employee for meritorious service and completion of minimum prescribed periods of employment in the class.

*Open Competitive Examination.* A test for positions in a particular class, admission to which is not limited to Town employees.

*Open Continuous Examination.* An examination having no fixed date of termination.

*Original Appointment.* The appointment of a person from outside the Town service to a specific position.

*Overtime.* Authorized time worked by a classified employee in excess of his/her normal working hours per day or per week.

*Overtime Pay.* Compensation paid to an employee for overtime work performed and as provided by these rules.

*Part-time Employee (Permanent).* A classified employee who is scheduled to work more than twenty (20) hours per week throughout the entire fifty-two (52) weeks of the year and takes an examination for the position. This employee is entitled to prorated accrued sick and vacation leave.

*Part-time Employee (Temporary).* A non-classified employee who does not work more than 900 hours in a calendar year. The employee is not entitled to any fringe benefits and is covered by the Seasonal and Part-time Pay Plan.

*Pay Plan.* A schedule of compensation established by resolution for the several classes of positions recognized in the classification plan, so that all positions of a given class will be paid according to the same salary range established for the class.

*Pay Range.* Two or more pay rates assigned to a class or position.

*Pay Rate.* A specific dollar amount expressed as either an annual rate, bi-weekly rate, or an hourly rate.

*Position.* A regularly established job in the classified service of the Town.

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*Probationary Employee.* A person certified from an eligible list who is appointed to a position in the classified service and who has not yet completed his probationary period of service.

*Probationary Period.* A working test period, following an appointment, during which an employee is required to demonstrate by conduct and actual performance of the duties his fitness for the position to which he is appointed. The probationary period shall be considered a part of the examination for any position. Unsatisfactory service during the probationary period shall constitute grounds for involuntary termination from which there shall be no appeal to the Personnel Board allowable, except that in the case of employees who have been promoted but who cannot satisfactorily perform the duties of the promotional class, such employees shall be returned to their original class or, in case no vacancy exists in that class, shall be assigned to any other class for which they are qualified and for which the pay range is no lower than that of their original class, and they shall be returned to their original class upon occurrence of a vacancy therein.

*Promotion.* A change in the position of an employee from one class to a position in another class having a higher maximum salary rate.

*Promotional Examination.* An examination to determine the fitness of applicants for positions in a particular class, admission to the test being limited to regular employees in the classified service of the Town.

*Promotional List.* A list of classified employees, arranged in order as determined by a promotional examination, who have been found qualified for promotion to a position in a higher class.

*Provisional Appointment.* A non-competitive appointment made temporarily to fill a classified position, pending establishment of an eligible list for such position.

*Public Hearing.* A hearing held by the Board after public notice at which any person may have a reasonable opportunity to be heard.

*Qualifying Examination.* A non-competitive examination given to determine if an individual meets the qualifications for a specific class.

*Range.* The minimum and maximum of any pay grade.

*Reallocation.* A change in allocation of an individual position by assigning it to a higher class or to a lower class or to another class at the same level based on the duties and responsibilities of the position.

*Reduction in Rank.* Assignment of an employee from one class to another which has a lower maximum rate of pay. Same as demotion.

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*Reemployment List.* A list of persons who have been regular employees in a particular class and who have been laid off in good standing, and who are entitled to have their names certified for appointment to a position in a class in which they were previously employed.

*Regular Appointment.* An appointment given to an employee after successful completion of a probationary period following an original appointment.

*Regular Employee.* An employee who has been appointed to a position in the classified service in accordance with civil service rules and has successfully completed his probationary period.

*Separation.* Leaving a position including resignation, lay-off, dismissal, retirement and death.

*Suspension.* An enforced leave of absence for disciplinary purposes, pending an investigation of charges made against an employee, or for other cause.

*Temporary Acting Assignment.* When it is in the best interests of the Town, or when an incumbent is on authorized leave an appointing authority may select a qualified and classified employee to act in or perform duties of higher classification, even though no vacancy exists, for an aggregate to less than one (1) year.

*Temporary Appointment.* An appointment from an eligible list to an approved classified position for a period not to exceed one (1) year.

*Temporary Position.* A position limited in duration to less than one (1) year.

*Transfer.* A change of an employee from one position in a class to another position in the same class. Transfers can take place within a department or between positions of the same class.

*Vacancy.* A position which has been newly established or which has been rendered vacant by the separation of the previous incumbent.

*Workday.* Scheduled number of hours an employee is required to work per day.

*Workweek.* The number of days in any consecutive seven-day period an employee is regularly scheduled to work.

Whenever used, the masculine noun or pronoun shall include the feminine. The singular shall include the plural and the plural the singular.

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**30.0.6 Personnel Administration.** Final authority for all personnel administration shall rest with the Town Manager except as otherwise provided by the Charter.

**30.0.7 Preparation of Classification Plan.** Preparation of Plan. After consultation with the appropriate appointing authorities, the Personnel Director shall prepare and recommend to the Council a position classification plan including a written definition for each class of position to be included in the classified service, describing the duties, authority and responsibilities characteristic of positions properly pertaining to the class.

**30.0.8 Administration of Plan.**

- a) Original Allocation of Positions. The Personnel Director shall, as soon as practicable after adoption of the classification plan, allocate each position to be included in the classified service to its appropriate class, placing in such class those positions which are so similar with respect to difficulty, responsibility and character of work as to require generally the same kind and amount of training and experience range for the class. In making such allocations, he shall provide for the uniform application of the classification plan to positions under different appointing authorities
- b) Maintenance of Position Classification Plan. The classification plan shall be kept current by continued investigation and review, including the investigation of organizational units of positions as to their allocation, organization, compensation, and training needs, and including any necessary Town-wide surveys of positions within single class so that the classification plan and/or rates of pay can be integrated.
- c) Personnel Director May Study Positions. The Personnel Director shall make position classification studies of individual positions or groups of positions whenever he deems it necessary; whenever the duties and responsibilities of existing positions have undergone significant changes; or whenever he is notified that new positions are to be created.
- d) Notify Personnel Director of Change of Duties. Appointing authorities shall notify the Personnel Department promptly of each such change of duties and responsibilities or work assignment and furnish detailed information relative to all positions under their jurisdictions.
- e) Allocation of New Positions. In order to create any new position which would be within the classified service, an appointing authority shall forward to the Personnel Director, a written request for such position, together with a statement of duties, authority and responsibilities to be assigned. It shall then be the responsibility of the Personnel Director to study the position and allocate it to the proper class, secure certification from the Finance Director that adequate funds are available to support the position for the remainder of the fiscal year, and to forward this information to the Council for action.
- f) Reallocation. Whenever the duties of a position are so changed that the position in effect becomes one of a different class from that to which it is allocated, the Personnel Director, on his own initiative or at the request of the appointing authority, shall study the position, reallocate it and submit the proposed reallocation to the Council for consideration.

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g) Status of Incumbent When Position Is Reallocated. An employee who is occupying a position which is reallocated to a different class shall continue in this position only in accordance with the rules governing reallocation. When the position is reallocated to a higher class, the incumbent of such position may attain regular status in the higher class by achieving a satisfactory grade on a qualifying examination of fitness for the higher class if it is deemed necessary to conduct such an examination by the Personnel Director. If the Personnel Director waives the examination of fitness, the employee shall attain regular status in the higher class.

If reallocation results in the assignment of a position to an equal or lower class, the incumbent may continue to hold the position if he meets the minimum requirements of the new class, and shall continue to be compensated at this same rate of pay until the range for the new position is greater than his current rate of pay.

Whenever a class is assigned to a higher pay range, the incumbent's merit increment date will not change.

h) Appeal of Allocations. Any employee affected by the allocation or reallocation of a position or by any changes in the classification plan may ask the Personnel Director to review such action. The Personnel Director may hold a special hearing to determine the facts in each case, and shall make his decision on the basis of the written statement and forms submitted by the employee and on the facts brought out in the hearing. Any employee not satisfied by the result of such hearing shall also have a right to be heard by the Personnel Board, whose decision shall be final.

### **30.0.9 Class Specifications.**

a) Contents of Class Specifications. The Personnel Director shall provide written specifications for each class in the classification plan. Each class specification shall include a class title, a description of the duties, authority and responsibilities of the work, a statement of the qualifications for the satisfactory performance of the duties of the class and such other information as may be desirable and pertinent.

b) Interpretation of Class Specifications. The statements in the class specifications shall be descriptive and not restrictive. They are intended to indicate the kinds of positions that are allocated to the several classes as determined by their duties and responsibilities and are not to be construed as saying what the duties or responsibilities of any position may or may not be, or as limiting or modifying the power of an appointing authority to assign, direct and control the work of employees under his supervision. The use of a particular expression or illustration as to duties shall not be held to exclude others not mentioned that are of a similar kind or quality, nor shall any specific omission necessarily mean that such factor is not included.

c) Use of Class Specifications in Allocations. In determining the class to which any position should be allocated the definition of each class shall be considered as a whole.

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Consideration shall be given to the general duties, and relation to other classes, as together affording a picture of the kind of employment that the class is intended to embrace.

d) Use of Class Titles. Following the adoption of the classification plan and the allocation to classes therein of positions in the classified service, the class title set forth therein shall be used to designate such positions in all official records, vouchers and communications, and no person shall be appointed to or employed in a position in the classified service under any class title which has not been approved by the Director as appropriate to the duties to be performed.

### **30.0.10 Administration of Pay Ranges.**

a) Appointment Rate. The minimum rate of the assigned pay grade shall normally be paid upon appointment to the class. Appointment at an intermediate rate may be paid upon written approval of the appointing authority. Justification for approval will be limited to recognition of exceptional qualifications of an eligible or certification by the Personnel Director of a lack of available eligibles at the minimum rate.

b) Pay Increases. Salary increases within an established range shall depend primarily upon recommendations of merit by the department head.

Salary increases shall not be predicated solely upon length of service. Increases shall be given only upon certification by a department head that the employee has maintained a consistently high level of performance throughout the preceding year.

Increases in excess of one step or more often than once per year shall be reserved for exceptional performance and shall be given only with the approval of the appointing authority.

Salary increases will normally be made effective the first pay period of the fiscal quarter starting closest to the employee's annual anniversary date of employment; or, unless otherwise provided by collective bargaining agreements.

c) Conflicting Employment and Conflicting Interests. No employee shall engage in any type of employment, activity or enterprise which conflicts with the best interest of the Town or which may reduce the efficiency of such employee.

d) Pay for Permanent and Temporary Part-time Work. Part-time employees shall be paid on the basis of an hourly rate.

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### **e) Pay Rates in Transfer, Promotion or Demotion or Reallocation of Position.**

- 1) If the rate of pay in the former position is less than the minimum rate established for the class of the new position, the rate of pay shall be advanced to the minimum for the class.
- 2) If the rate of pay in the former position is more than the maximum rate established for the class of the new position, the pay shall be reduced to the maximum rate or to an intermediate step or to an amount within the new range as determined by the appointing authority except for a reallocation where the rate of pay shall remain the same.
- 3) If the rate of pay of the former position falls within the new range of pay or at an established step within the range of the new class, the salary rate shall remain the same in the case of a transfer; be increased at least one step or by an amount recommended by the appointing authority and approved by the Town Manager in the case of a promotion or reallocation of position; and at the discretion of the appointing authority, shall remain at the same or be decreased to a lower step or a lower amount within the range in the case of a demotion.
- 4) If the previous rate does not correspond to a step or to an amount within the new salary range, it shall be adjusted at least to the next higher rate or to an amount as recommended by the appointing authority and approved by the Town Manager if the action is a promotion, reallocation of position to a higher or equal class or transfer; or adjusted to at least the next lower step or to a lower amount if the action is a demotion; or if reallocated to a lower class, the salary rate will either be assigned to the same step, or to the nearest rate of pay.

### **30.0.11 Applications, Applicants and Examinations.**

a) Applications shall be accepted only on official forms prescribed by the Personnel Director. Each application shall be signed by the applicant and the truth of all statements contained therein shall be certified by his signature. Any false or untruthful statements on the application may cause it to be rejected or may cause the applicant's dismissal after appointment.

The application form shall not require any information intended to disclose the race, color, creed or political affiliation of an applicant other than to require the applicant to certify that he has no affiliations with any group or organization which seeks or advocates the overthrow of the government of the United States by force or violence.

To be accepted for consideration, applications must be filed with the Town Personnel Office prior to the end of the working day on the closing date or postmarked before midnight of the closing date specified in the announcement, if a closing date is mentioned



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in the examination announcement. The Director of Personnel may extend the filing date if it is in the best interests of the Town and applicants will be so notified of such extension.

### **b) Applicants**

1) **Qualifications.** Reasonable requirements such as physical fitness, training, and experience are permissible when dictated by the needs of the service. Any such requirements shall be included in the examination announcements.

2) **Disqualifications.** The Personnel Director shall reject the application of any person or shall strike the name of any person from an eligible list or shall refuse to certify the name of any person from an eligible list or shall withdraw the name of such person if he finds that such person lacks any of the qualifications; or is physically unfit to perform effectively the duties of the position in which he seeks employment; or is addicted to excessive use of drugs; or habitually uses intoxicating liquor to excess; or has made a deliberate false, misleading or exaggerated statement of a material fact; or practiced or attempted to practice any deception or coercion in his application or examination or in attempting to secure employment; or has been convicted of a felony; or has been proved guilty of any notoriously disgraceful conduct; or has been dismissed for disciplinary reasons or unsatisfactory service from employment for cause rendering the person unfit for the class for which application is being made; or is deemed unsuitable for employment in a position of the class for which he is applying, based on character and reference investigation; or has been proved to be affiliated with any group which seeks to overthrow the government of the United States by force or violence.

3) **Conditional Admission.** When doubt exists as to whether an applicant meets the requirements for admission to an examination, the Personnel Director may authorize conditional admission to the examination. Such action shall not be construed as entitling the applicant to become eligible for certification or appointment until the circumstances leading to the conditional acceptance are clarified. The Personnel Director shall be responsible for notifying an applicant in writing when his admission to an examination is conditional.

c) **Right of Appeal.** Any person who is denied permission to compete in an examination or whose eligibility is canceled under the provisions of this rule, may make a written appeal, within ten (10) days after notice of action, to the Personnel Board for a final decision.

d) **Right of Investigation.** The Town shall reserve the right to investigate the background of any applicant as regards moral character, criminal record, training, military experience and work experience.

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### **30.0.12 Examination Announcements.**

a) Form and Content. Each official announcement of an examination shall specify the title and salary range of the class for which the examination is announced; the nature of the work to be performed; the necessary and desirable qualifications therefore; the time, place and manner of making application; special requirements or qualifications; the nature of the tests to be used and such other information as the Personnel Director may consider pertinent and useful.

b) Public Notice of Examination. The official notice of an examination shall consist of the posting of a notice thereof on a public bulletin board maintained in the Town Hall. The Personnel Director shall also make use of such other means of publicizing the announcement of each examination as, in his judgment, are best suited for informing qualified persons that the examination is to be given, including posting of examination notices in all Town offices and installations.

### **30.0.13 Character of Examinations.**

a) General Provisions Concerning Examinations. All appointments and promotions in the classified service shall be made according to merit and fitness to be ascertained so far as possible by competitive examinations.

Any practical means or measures may be used in examinations which are reasonably well calculated to test the fitness of candidates for positions in the class for which the examination is held. Examinations may be assembled or unassembled, and tests may be written, oral, physical, a demonstration of skill or performance, a rating of training and experience or record of accomplishment, or any combination of such types. They may include any reasonable investigation of training and experience, or record of accomplishment; any test of knowledge, skill, capacity, intelligence or aptitude; and any inquiry into the moral character or any other character or attribute which seems desirable.

No test or question in any examination shall be intended to disclose any information concerning any political, religious or union affiliations, preferences or opinions, or racial background. Any such disclosures shall be discountenanced, and any such information which may be revealed shall be disregarded.

b) Open Competitive Examinations. All original entrance tests for positions in the classified service shall be open competitive in character except as specified under the section of this rule concerned with qualifying examinations.

c) Open Continuous Examinations. In circumstances where there is a continuous need for substantial numbers of eligibles for a certain class of position or when insufficient applicants are available to maintain an adequate register, the Personnel Director may, after first establishing such a register, replenish the register from time to time by inserting

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the names of additional eligibles who are found to be qualified on the basis of a test of fitness substantially similar to the test used as the basis for establishing the original register. The closing date for any such test may be indefinite and applicants may be tested continuously in such manner and at such times and places as the Personnel Director may provide.

d) **Qualifying Examinations.** At the request of the Personnel Director and upon approval of the Board, non-competitive qualifying examinations may be established for any class of position requiring professional or technical skill and training of a nature which renders competitive examination extremely difficult. Qualifying examinations may be written and/or oral and may include or consist of an evaluation of experience and training and education.

e) **Promotional Examinations.**

- 1) **Eligibility** - An employee to be eligible to compete for promotion must be serving in an appropriate class as determined by the Personnel Director and the head of the department wherein the vacancy exists, and must meet any other reasonable requirements for admission for the examination.
- 2) **Competitive** - Promotional examinations shall not be limited to employees of a single organizational unit, except as this may effect any experience requirement. Promotional examinations shall include an evaluation of employee performance and seniority in service, in addition to any of the tests enumerated for open competitive examinations. Such examinations shall be administered only to employees who meet all other requirements for admission to an open competitive examination for the class of position.

### **30.0.14 Administration of Examinations.**

a) **Contracting for Examinations.** The Personnel Director, with approval of the Board, may contract with any agency, public or private, for the conduct of any examination which he deems impracticable to be administered by the Town.

b) **Establishment of Procedures.** The Personnel Director shall establish procedures to be used in conducting the examination of candidates and shall devise safeguards to insure the maximum impartiality in the conduct of the examination and rating of candidates. The Personnel Director may disqualify any candidate or examiner for failure to comply with the procedures and regulations established for conducting the examination.

c) **Use of Town Employees.** The Personnel Director may select suitable persons in the classified service, with the consent of the appointing authorities under whom such persons serve, to act as examiners under his direction.

d) **Re-examination.** No person who has failed to pass an examination shall be re-examined for the same class within ninety (90) days of the examination unless otherwise authorized by special action of the Board.

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### **30.0.15 Rating of Examinations.**

- a) **Method of Rating and Minimum Grades.** Sound measurement techniques and procedures shall be used in rating the results of tests and determining the relative ranking of the candidates. In all examinations the minimum rating by which eligibility may be achieved shall be established by the Personnel Director. A minimum rating may also apply to the rating of any part of the test. Candidates may be required to attain at least a minimum rating on each part of the test in order to receive a passing grade or to be rated on the remaining parts of the test. The final rating of the competitor shall be determined by averaging the rating on each part of the examination in accordance with the weights established for each part of the examination.
- b) **Rating of Applicants for Lower Classes.** An applicant who fails to gain eligibility for employment in a higher class may, at the discretion of the Personnel Director, elect to accept eligibility for a lower appropriate class, prior to the next opening of examinations for the lower class, if his grades in all appropriate parts of the examination are sufficient to qualify him for the lower class.
- c) **Rating of Training and Experience.** If training and experience form a part of the total examination, the Personnel Director shall determine a procedure for the evaluation of these factors which shall give due regard to the quality, recency and amount of experience and to the pertinence and amount of training and shall establish the necessary scales for weighing these factors in the total examination. On promotional examinations a special performance review report with a rating of "satisfactory" or better, or the equivalent thereof, may be required for credit to be given for Town service.
- d) **Oral Board Examinations.** Oral interviews may constitute all or any part of any total examination and the weight given thereto shall be officially entered in the rating of the examination. Town employees and officials shall be allowable as oral board members, but shall not constitute a majority of any board unless specifically approved for an individual class of position by the Board.

**30.0.16 Notice and Review of Examination Results.** Each person who takes an examination shall be given written notice as to whether he passed or failed in such examination and of his relative standing on the list or of his failure to attain a place on the list. Each person in an examination shall be entitled to inspect his rating and examination papers, but examination papers shall not be open to the general public. Such inspection shall be permitted only during regular business hours and at the office of the Personnel Director.

**30.0.17 Appeals from Rating.** If, after examination of the appeal filed by any candidate or upon his own investigation, the Personnel Director finds that any manifest error existed in rating, scoring, or computation of the result, he shall make the required correction and place the name of the person on the list in its correct position by virtue of the correction.

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Such correction, however, shall not invalidate any appointment previously made from the list.

**30.0.18 Establishment of Eligible Lists.** The Personnel Director shall establish and maintain the lists necessary to provide an adequate supply of qualified candidates for positions in the classified service. Lists shall be by class of position and shall be applicable to all classified positions of such class in the Town services.

### **30.0.19 Types of Lists.**

- a) Reemployment Lists. When any person who has held a regular appointment in the classified service of the Town is laid off, the Personnel Director shall place the name of such person on a departmental reemployment list and on a Town reemployment list for the class of position which he held at the time of lay-off. Names on such reemployment lists shall be arranged at all times in strict order of seniority in the department and the Town, respectively. Any person refusing an appointment resulting from certification from a reemployment list shall have his name removed from all such lists.
- b) Promotional Lists. After each promotional examination, the Personnel Director shall prepare and keep available a promotional eligible list of persons successfully passing the examination, arranged in order of final weighted ratings received. Whenever two or more persons have equal final ratings, their names shall be arranged on the list according to seniority.
- c) Original Appointment Lists. From the results of tests for any class after each original entrance examination, the Personnel Director shall cause to be prepared an employment list for the class, with the names of those persons who have met the minimum requirements imposed for each test and who have received the ratings required for eligibility, placed thereon in the order of such ratings from the highest to the lowest. Whenever two (2) or more candidates have equal final weighted ratings, their names shall be arranged on the list in the order of their performance in the part of the test having the greatest weight; when such arrangement fails to resolve the tie, the order on the list shall be the same as the order in which their applications were received.

**30.0.20 Consolidation of Lists.** If in the opinion of the Personnel Director, the needs of the service require that an examination be held for a class of position for which an eligible list already exists, he may consolidate the existing list with the list established as a result of a new examination. The names of persons remaining on the old list shall be placed on the new list in accordance with their previous rating as though they had taken the new examination, but such names shall be removed from the list at the expiration of the original one year period. Should such persons elect to take the new examination, their names shall be placed on the list in accordance with the new rating.

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### **30.0.21 Duration of Lists.**

a) Reemployment Lists. Reemployment lists shall be continuous for each class, except that no name shall remain on a reemployment list for longer than one (1) year.

b) Other Lists. The time during which eligible lists, other than reemployment lists, shall remain in force shall be one year from the date on which they were officially established except that, before the expiration of a list the Personnel Director may extend the time during which such list remains in force when the needs of the service so require. In no event shall the total period during which a list is in force exceed two (2) years from the date on which the register was originally established.

**30.0.22 Availability of Eligibles.** It shall be the responsibility of eligibles to notify the Personnel Director of any change in address or other change affecting availability for employment. However, the Personnel Director may circulate the lists or use other methods to determine at any time the availability of eligibles. Whenever an eligible submits a written statement restricting the conditions under which he will be available for employment, his name may be withheld from all certification which does not meet the conditions he has specified.

**30.0.23 Removal of Names from Eligible Lists.** The Personnel Director may remove a name from any eligible list permanently or temporarily for any of the following reasons:

- a) Refusal of the eligible to accept appointment which is offered under conditions previously indicated by the eligible as acceptable.
- b) Appointment through certification from such list to fill a permanent position.
- c) Appointment through certification from another eligible list for a class at the same or higher compensation upon approval of the eligible.
- d) By request of the eligible.
- e) Failure to respond, within the time specified in the notice, to any inquiry of the Personnel Director.
- f) Failure to report for work after accepting employment.
- g) Expiration of the term of eligibility on an eligible list.
- h) Notice by postal authorities of their inability to locate the eligible at his last known address.
- i) Waiver of three certifications by the eligible.
- j) In the case of promotional lists, upon separation from the Town service.
- k) By having a physician determine if there is disability which prevents the eligible from satisfactorily performing the major duties of the position.

The Personnel Director shall remove a name from any eligible list permanently if he discovers that the eligible lacks any of the necessary qualifications prescribed as requirements for admission to the test for the class which he has applied; or that any of the mandatory disqualifications applying to admission are applicable.

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**30.0.24 Request for Certification.** Whenever a vacancy in any position in the classified service is to be filled, the appointing authority shall submit a requisition for an employee on a form prescribed by the Personnel Director. Insofar as practicable, each vacancy shall be anticipated sufficiently in advance to permit the Personnel Director to determine who may be available for appointment, and if necessary, to establish a class or to establish a list of eligibles.

**30.0.25 Types of Appointment.** All vacancies in the classified service shall be filled by reemployment, promotion, original appointment, emergency appointment, temporary appointment, provisional appointment, transfer or demotion.

a) Appointment from Eligible Lists. Whenever a position is to be filled from an eligible list certification shall first be made from the reemployment list for the class to which the position is allocated, in accordance with 30.0.27(b) (1); next from the promotion list, if promotion is practicable; and finally from the original appointment list.

b) Involuntary Demotion. An appointing authority may demote any classified employee under his direction when, in his opinion, the employee is incapable of performing adequately the duties of his current position but meets the minimum qualifications for a lower class of position. A written statement of the reasons for such action shall be furnished to the Personnel Director at least five (5) days prior to the effective date of the action. No demotion shall be made unless there is a vacancy in the lower class. In the case that no vacancy exists such employee may be laid off and his name placed on the reemployment lists for the lower class in lieu of demotion, provided, however, that nothing contained in this section shall prevent an appointing authority from taking action under 30.0.43 of these rules. Any regular employee demoted or laid off in such manner may appeal such action under the provision of 30.0.50 of these rules.

c) Voluntary Demotion. An appointing authority may voluntarily demote any classified employee who requests it and is qualified to fill a lower level vacant position. An employee who takes a voluntary demotion based on an examination in order to qualify for the position may at the discretion of the appointing authority serve a probationary period of a duration as specified in these Rules.

d) Appointment by Transfer or Demotion. When an appointing authority desires to fill a position by transfer or demotion, such action shall take precedence over appointment from eligible lists. Inter-departmental transfers may only be made with the approval of the appointing authorities of both departments concerned.

e) Appointments of a Temporary Nature.

- 1) Temporary Appointments. When a position in the classified service is limited in duration, certification may be limited to the highest ranking eligible who will accept employment under such conditions. No temporary appointment shall be made for more than a total of six months, either continuously or intermittently, in any twelve (12) month period. Successive temporary appointments to the same

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position shall not exceed a total of six (6) months in any twelve (12) month period.

- 2) **Emergency Appointments.** When an emergency makes it necessary to fill a position subject hereto immediately in order to prevent stoppage of public business or loss, hazard, or serious inconvenience to the public, and it is impossible to fill such position under any other provisions of these rules, an appointing authority or a properly authorized subordinate with the concurrence of the Personnel Director may appoint any qualified person to such position without certification from an eligible list. Any such person shall be employed only during such emergency, and any such appointment shall automatically end thirty (30) days from the date of appointment. If the emergency continues, the appointment may be extended to ninety (90) days, but no individual may be given more than one such appointment in any twelve (12) month period.
- 3) **Provisional Appointments.** When an appointing authority finds it essential to fill a vacancy in a position subject to these rules, and the Personnel Director is unable to certify eligibles for such a vacancy because there is no existing appropriate register, or because there is not a sufficient number of persons on appropriate registers who are willing to accept appointment, the Personnel Director may authorize the filling of the vacancy by a provisional appointment. A provisional appointment shall expire automatically four (4) months from the date of such appointment. Extensions of provisional appointments may be made only with the approval of the appointing authority. Any provisional appointment shall be terminated automatically within two (2) calendar weeks of the date on which the Personnel Director notified the appointing authority that he is able to certify the proper number of eligibles from an appropriate list.
- 4) **Temporary Acting Assignment.** An employee may be required by his superiors to act in a higher classification or to perform duties of a higher level of skill or responsibility than those included in the description of his regular position in the classification plan without additional compensation to the employee, except as provided below. Such duty shall be paid at a rate not less than 4% nor more than 8% higher than the employee's current rate in his regular position.  
Notwithstanding the foregoing, however:
  - ◆ Additional compensation shall not be paid for any "temporary acting assignment" where an employee is to act in a higher position for less than the ten (10) working days which may be either aggregate or consecutive.
  - ◆ If operating conditions so require, an employee who is detailed to an assignment which involves the performance of higher level duties and responsibilities, will be compensated at a higher rate of pay after an aggregate of the (10) working days per calendar year.
  - ◆ An incumbent in a position classification which provides for acting in the supervisor's absence is not entitled to higher acting compensation.



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**30.0.26 Overlap of Incumbents.** When the Director of Finance certifies adequate funds are available, appointments may be made to positions in the classified service wherein two (2) incumbents may jointly occupy a position for not more than thirty (30) days for purposes of training the incoming appointee. Overlapping appointments shall not be made without official notification to the prior incumbent of the official date of termination of service.

**30.0.27 Certification of Eligibles.**

a) In the filling of all vacancies from reemployment lists, the Employee Services Director, upon receipt of a request for certification from an appointing authority and approved by the Town Manager, shall certify, singly, the name appearing at the top of the departmental reemployment list for the proper classification. If there is no departmental list for the class, the Employee Services Director shall certify, singly, the name appearing at the top of the Town reemployment list for the classification.

b) In the filling of all vacancies from an eligible list other than a reemployment list, the Employee Services Director, upon receipt of a request for certification from an appointing authority and approved by the Town Manager, shall:

1. on a promotional appointment, certify the names of the three highest available eligibles on the established register. The names shall be certified in order of standing on the register of qualified applicants.
2. on an original appointment, certify the names of six available eligibles on the established register. The six names shall be certified in order of standing on the register of qualified applicants and shall be in proportion to the affirmative action profile of qualified applicants on the register.
3. if more than one vacancy is to be filled, the name of one additional eligible applicant shall be provided for each additional vacancy, in accordance with (b) (1) and (b) (2).

c) Incomplete Certification. When the number of names available on other than reemployment lists for filling any vacancy is fewer than three (3), the appointing authority, with the approval of the Personnel Board, may decline certification for the vacancy and proceed to fill the vacancy in any other manner provided by these rules.

d) Certification from Related Lists. In the absence of a register established for the class, or whenever there are insufficient names on a register to make a complete certification, the Personnel Director may certify, or augment a certification, from registers for higher classes to vacancies in lower classes or from registers for one class to vacancies in another class where he determines that the examination conducted therefore reasonably measures the ability of the eligible to perform the duties of the class to which certification is made. However, certification from related lists shall not affect the eligibles certified from such lists as concerns the number of certifications nor the number of waivers to which they are entitled.

(Editor's note: Sections 30.0.27(a), (b), (b1), (b2), and (b3) were adopted on 6/9/92.)

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- e) **Withdrawal of Certification.** In the event appointment is not reported within ten (10) days of the date of certification the Personnel Director may withdraw such certification and shall certify the names of eligibles included in such certification on the next requisition received for the appropriate class of employment.
- f) **Waiver of Certification.** Eligibles who are not available for appointment when offered certification may be granted a waiver of certification for appointment for a stated period of time, at or below specific salary, or in a specific location.
- g) **Notice of Certification.** Eligibles shall be notified by mail of each certification made on their behalf. Eligibles who do not respond within five (5) days of the date of mailing of notice of certification may be dropped from the eligible list. This restriction must be stated in the notice of certification sent to the eligible. Eligibles shall be responsible for keeping the Personnel Office informed of their current addresses.
- h) **Physical Examination Required.** Prior to original appointment to the Town service, applicants may be required to undergo a physical examination to be conducted by a regularly licensed practitioner of medicine or surgery, or both, of the Town's choosing, at the expense of the Town to determine the applicant's qualifications to meet the physical requirements for employment. Continued employment in the Town service shall be contingent upon the employee meeting the physical requirements for the position. The Town may send an employee to a doctor of its own choosing to determine if the employee is physically able to perform the duties of the position. The Town may request an employee to provide medical documentation concerning his physical condition to determine if he/she can perform the duties of the position.

**30.0.28 Probationary Period and Purposes.** The probationary or working test period shall be regarded as an integral part of the examination process and shall be utilized for closely observing the employee's work, for securing the most effective adjustment of a new employee to his position, and for rejecting any employee whose performance does not meet the required work standards.

**30.0.29 Duration of the Probationary Period.** Every person, except those currently employed by the Town at the time these rules take effect, certified and appointed to a permanent position in the classified service shall be required to complete successfully a working test during a probationary period. The probationary period shall begin immediately upon appointment and shall continue:

- a) In the case of labor and trades positions, for a period of three (3) months for both original and promotional appointments.
- b) In the case of clerical employees and technicians for a period of six (6) months for original and promotional appointments.

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c) In the case of police, fire, professional and management personnel for a period of one (1) year for original and six (6) months for promotional appointments.

d) Extensions of the above probationary periods not to exceed two (2) months may be granted by the Personnel Board upon request of the department head.

In the case of promotion during the original probationary period, the employee shall, before attaining the status of a regular employee, serve either the remainder of the original probationary period or the promotional probationary, whichever period is greater.

If an employee is laid off for lack of work during the probationary period and subsequently reappointed by the same appointing authority to the same class of position, he shall be given credit for the portion of the probationary period previously completed.

**30.0.30 Interruption of the Probationary Period.** No leave from service during the probationary period, with or without pay, shall be counted as a part of the total probationary service required, unless otherwise recommended by the appointing authority and approved by the Personnel Director.

**30.0.31 Dismissal During Probationary Period.** At anytime during the probationary period the appointing authority may remove an employee if, in the opinion of the appointing authority, the working test indicates that such employee is unable or unwilling to perform the duties of the position satisfactorily or that his habits and dependability do not merit his continuance in the service. Upon such removal, the appointing authority shall report to the Personnel Director and to the employee removed his actions and reasons therefore.

No more than three (3) employees shall be removed successively from the same position during their probationary periods without the approval of the appointing authority.

No appeal is allowable from dismissal during the probationary period.

### **30.0.32 Retention of Employee After Probationary Period.**

At least fifteen (15) days prior to the expiration of an employee's probationary period, the appointing authority shall notify the Personnel Director, in writing, and in the form designated by the Personnel Director, either:

- a) that the services of the employee were satisfactory and that he will continue the employee in his position; or
- b) that the services of the employee were unsatisfactory and that he will not continue the employee in his position; or
- c) that he wishes an extension of the working test period and will continue the employee in his position for an additional period if the extension is granted. A copy of such notice shall be given to the employee.

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Upon receipt by the Personnel Director of written notice from the proper appointing authority that the services of the employee are satisfactory and that he will continue the employee in his position, the appointment of the employee shall be deemed to be complete at the expiration of the probationary period and the employee shall receive a regular appointment.

**30.0.33 Restoration to Eligible List.** If an employee is removed from his position during or at the end of his probationary period for no discreditable reason and, the Personnel Director determines that he is suitable for appointment to another position, his name may be restored to the list from which it was certified. In certifying the name of such person to any appointing authority, the Personnel Director shall give full facts concerning the previous probationary period.

**30.0.34 Reinstatement to Former Class.** An employee appointed from a promotion list who does not successfully complete his probationary period shall be transferred to a position in the class occupied by the employee immediately prior to his promotion, if a vacancy exists in such class. In the event that no vacancy exists in such class, the employee shall be transferred to any position of a grade equal to that held prior to promotion wherein a vacancy exists and for which he is qualified. If no vacancy exists he shall be transferred to any vacant position of a lower grade for which he is qualified or at his option his name shall be placed at the top of the eligible list for the class of position held immediately prior to his promotion.

**30.0.35 Promotion During Probation.** The serving of a probationary period shall not, of itself, prevent an employee from being promoted to a higher class, provided he is certified from an appropriate list. The probationary period for the class of position to which he is promoted shall be as provided in 30.0.29.

**30.0.36 Probationary Period on Demotion.** An employee may be required by the appointing authority and the Personnel Director to serve a probationary period when he is demoted either voluntarily or involuntarily to a position lower than the one in which he was previously assigned.

### **30.0.37 Working Hours**

#### **a) Regular Work Week**

- 1) Employees of: Office of Town Manager, Town Clerk, Registrar of Voters, Personnel, Finance, Human Services, Assessment, and Library .....35 hours
  - a) Except: Employees of Buildings and Grounds Division.....40 hours
- 2) Employees of the Department of Physical Services.....40 hours
  - a) Except: Clerical Employees.....35 hours
  - Engineering Employees.....37.5 hours
  - Building Inspection Employees.....37.5 hours

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- 3) Non-uniformed and non-investigatory employees of the Police  
Department.....40 hours  
    a) Except: Clerical Employees.....35 hours

- 4) Clerical Employees of the Fire Department.....35 hours

Normal hours for employees working a 35-hour week may be from 8:30 a.m. to 4:30 p.m.; for employees working 37.5 hours from 8:00 a.m. to 4:30 p.m. with one (1) hour for lunch. Normal hours for other employees shall be determined by the Department Head with the approval of the Town Manager. These schedules may be changed by the Department Head with the approval of the Town Manager. Schedules of hours shall be posted in each of the Town Offices.

b) Overtime. Work in excess of the above schedule of hours shall constitute overtime for any class except as listed below. Overtime shall be compensated in accordance with collective bargaining agreements and applicable state and federal laws.

The Town Manager shall adopt policies and procedures relating to the eligibility, authorization for, and use of compensatory time off in lieu of overtime pay, when permitted by applicable state and federal laws. Such policies and procedures shall not be inconsistent with any applicable collective bargaining agreements, and, unless otherwise authorized by the Town Council, compensatory time will not be used during terminal leave or be paid upon separation from the Town service for any reason.

c) Positions Exempt from Overtime. Department Heads and Division Managers shall be exempt from the provisions concerning overtime. Additions to this list may be made by the Town Manager with the concurrence of the Personnel Board.

### **30.0.38 Holidays.**

The following shall constitute the holidays to be observed by the Town:

New Years Day	Independence Day
Lincoln's Birthday	Labor Day
Washington's Birthday	Columbus Day
Good Friday	Veterans Day
Memorial Day	Thanksgiving Day
Christmas Day	

When one of the above holidays falls on Saturday or Sunday, it shall be observed on the preceding Friday or following Monday, respectively.

Nothing in this rule is to be construed as preventing the Town Manager from substituting another day for one of the holidays listed above, and he may designate for supervisory

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personnel a change in holiday(s) which will coincide with the holiday(s) that was negotiated for their subordinate personnel in a collective bargaining agreement.

Part-time employees are not entitled to holiday pay.

In order to be eligible for holiday compensation, an employee must have worked the scheduled day before the holiday and the scheduled day after the holiday unless he/she was on authorized leave with pay.

In addition to the above holidays and during each fiscal year one floating holiday off with pay will be granted at a time mutually agreed between the employee and the immediate supervisor. Under no circumstances will the employee receive premium pay for his/her working on his/her floating holiday.

### **30.0.39 Leave Policy**

a) Annual vacation leave with pay shall be earned by all classified employees at the rate of five-sixths ( $5/6$ ) of one working day for each full month of service through the end of the employee's fourth (4th) full year of service, and thereafter at the rate of one and one-quarter ( $1\frac{1}{4}$ ) working days for each full month of service through the fourteenth (14th) full year of service, and thereafter at the rate of one and two-thirds ( $1\frac{2}{3}$ ) working days for each full month of service through the twenty-fourth (24th) full year of service, and thereafter at the rate of two and one-twelfth ( $2\frac{1}{12}$ ) working days for each full month of service. However, earned but unused vacation leave shall not accrue to an employee's credit in excess of fifty (50) working days by the end of each fiscal year.

Immediately upon completion of the number of full years of service indicated below, the following number of vacation days shall be credited to all classified employees as follows:

10 full years - 1 day  
11 full years - 2 days  
12 full years - 3 days  
13 full years - 4 days  
20 full years - 1 day  
21 full years - 2 days  
22 full years - 3 days  
23 full years - 4 days

Vacation schedules shall be established by department heads, but if the workload of an employee's organizational unit makes adherence to this schedule impracticable or undesirable, vacation leave may be postponed at the discretion of the department head. In requiring such postponement, employees having the greatest length of service in their respective classifications shall be given preference over those with less service in said classification.

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Vacation leave so postponed shall accrue to the employee's credit notwithstanding the above provision for a maximum of such leave.

In computing vacation leave, days on which an employee normally does not work shall not be counted, except that employees who do not work the same schedule of work days each calendar week shall be charged five (5) vacation days for each calendar week of vacation taken. For the purposes of computing vacation leave only dismissal or resignation will break the continuity of service; other leave except sick leave will defer vacation leave accrual during such leave.

Vacation leave shall not be granted to employees with less than six (6) months of service; however, upon completion of six (6) months of service, employees shall have their accrual of such leave computed from the date of their original appointment to the classified service.

Classified permanent employees working on a part-time basis throughout the entire fifty-two weeks per calendar year will be prorated on their working hours compared to the normal weekly working hours for employees in their class and organizational unit.

In the event of illness during an employee's vacation period, the employee shall be given an option of charging the sick day to his sick leave, providing a doctor's certificate verifies illness. An employee leaving on vacation may be granted pay due him for his accrued vacation time, provided he submits a request for such pay to his department head no less than twelve (12) calendar days in advance.

If a holiday occurs while an employee is on vacation, the employee shall have an additional day off with pay.

b) Terminal Leave. Employees who resign in good standing or who are laid off for lack of work after employment of six (6) months or more, shall be paid for any unused vacation leave that has accrued to their last day of service. Employees who retire shall be entitled to use any accrued vacation leave prior to the effective date of their retirement, but any accrued vacation leave not so used shall be forfeited and in no case may a period of vacation leave delay retirement beyond the date of compulsory retirement as provided by the Town pension ordinance. Vacation and sick leave shall not further accrue during the period of terminal leave.

Employees entitled to vacation leave who are terminated for cause may, at the discretion of the Town Manager, be granted any part or all of accrued vacation leave. Classified employees who are transferred, promoted or demoted from a position in one department to a position in another department without a break in their continuity of service may carry their accrued vacation leave with them to their new position.

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Accrued vacation leave or authorized overtime for which payment is due shall be considered to be earned and payable upon death of an employee to such person or persons entitled by law to receive any compensation due such employee.

c) Sick Leave. Sick leave shall not be considered as an entitlement which an employee may use at his discretion, but shall be allowed only in case of necessity arising from actual sickness or disability of the employee, or to meet dental appointments, or to take physical examinations or other sickness prevention measures. Sick leave with pay shall accrue to the credit of each classified employee as follows and subject to the restrictions listed below:

1. Sick leave with pay shall accrue to the credit of each classified employee at the rate of one and one-quarter (1 1/4) working days for each full month of service, to a maximum accrual of one hundred fifty (150) working days. Any accrued sick leave credited to an employee on June 30, 1981, shall be credited to him on July 1, 1981, but not in excess of one hundred twenty (120) working days; and thereafter, s/he shall accrue at the above rate to a maximum of one hundred fifty (150) working days. When illness is charged so that the accrued balance is reduced below the maximum of one hundred fifty (150) working days, then the accrual of sick leave at the above rate shall be resumed until the one hundred fifty (150) working day maximum is reached.
2. No provision of these rules is to be construed as preventing any Department Head with the concurrence of the Town Manager from withholding sick leave for just cause from any employee under his jurisdiction.
3. Notwithstanding the foregoing provision regarding maximum accrual of paid sick leave, any employee may be granted additional paid sick leave upon joint approval of the employee's Department Head, the Personnel Director and the appointing authority. Consideration of such approval shall take into account personal hardship, the nature of the illness, the employee's service record and length of service, and needs of the Town service.
4. Paid sick leave shall be granted for maternity confinement.
5. In all cases sick leave with pay in excess of five (5) consecutive workdays will be granted only when a certificate from a regularly licensed practitioner of medicine or surgery, or both, verifying the need for sick leave has been submitted to the Department Head. However, a Department Head may require such a certificate for sick leave of any duration.
6. Sick leave shall not accrue during any leave except vacation and less than one month of authorized leave without pay.



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7. Upon separation from Town service for any reason except retirement under the Town pension plan, unused accrued sick leave shall revert to the Town. In the case of retirement under the Town pension plan, the Employee shall be paid at his regular rate for one-half the sick leave accrued to his credit, in no case to exceed sixty (60) working days.
  8. If an employee has an unexcused absence during any month, the employee shall not be entitled to accrue any sick leave for that month.
  9. In order to receive paid sick leave, an employee shall notify his immediate supervisor of his absence no later than one-half (1/2) hour after the start of the normal workday, unless the employee is unable to do so because of mitigating circumstances beyond the employee's control.
  10. Up to five (5) days of an employee's accumulated sick leave may be used in any fiscal year for illness or incapacity in the employee's immediate household in cases where the presence of the employee is essential.
  11. No more than three (3) days of accrued sick leave may be used by the employee each fiscal year for personal business which cannot be conducted at any other time, and which is not covered by any other leave provision in this resolution. Request for leave under this paragraph should be made as soon as the employee is made aware of the need, and in any event, not less than 24 hours prior to the beginning of the workday for which leave is requested, except in the case of emergency or other unforeseen circumstances arising after such time limit has passed. If necessary, the Town Manager, Department Head or his designee may limit the number of employees on leave under this paragraph at any one time in order to meet the operating requirements of the Department. Personal leave days under this paragraph may not accumulate from year to year as sick leave.
- d) Emergency Leave. When death occurs in an employee's immediate family, time up to three (3) days, if required, will be granted by the employee's Department Head. Exceptions to this provision will be referred to the Personnel Director. For purposes of this rule the phrase "immediate family" shall be construed to mean any of the following: father, mother, spouse, child, sister, brother of the employee or of the spouse of the employee, or any other relative whether by birth or marriage actually domiciled within the household of the employee or to whose support the employee contributed a majority share. Documentation of need and propriety may be required at the discretion of the Department Head. Up to one (1) day emergency leave will be granted for death of grandparent, grandchild, aunt or uncle.
- e) Other Leave With Pay. Employees shall be granted leave with pay for the following reasons and subject to the following restrictions: 1) Jury duty. 2) Any other required appearance before a court or other public body except where the employee is a litigant. 3) Participation in conferences or official meetings which enhance the employee's value to the Town and approved by the appointing authority. 4) Participation in education or

## **TOWN OF WEST HARTFORD PERSONNEL RULES**

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training courses which enhance the employee's value to the Town and approved by the appointing authority.

In case the employee receives any pay or remuneration, such as a fee for jury duty or military pay, or a scholarship of fellowship, his Town salary shall be reduced by that amount for the duration of the leave.

f) **Military Leave.** In the case of military leave, employees shall be granted the following:

- 1) Leave with pay for participation in short-term required military training not to exceed thirty (30) days in any calendar year in the Federal Reserve or National Guard. Any military pay received by the employee shall reduce the employee's Town salary on a dollar-for-dollar basis for the duration of the leave.
- 2) Leave with pay upon involuntary activation for military duty, by the President of the United States, for a period not to exceed ninety (90) days.

For a period not to exceed ninety (90) days, the Town shall pay the difference between all military pay received and the full time, non-probationary employee's base salary with the Town, up to a maximum combined annualized base salary of \$40,000 (or \$1538 bi-weekly). All computations shall be based on bi-weekly equivalents. Military pay will be estimated at the time of leave and differences with actual military pay will be reconciled upon return to Town service.

During such leave, medical benefits will be continued to the employee and their dependents, however, there will be coordination of benefits with any coverage provided by the Federal government's military health insurance program.

Employees shall be returned to their original position or to one similar in pay and duties upon their separation from such military service or from hospitalization arising from such service (provided they return to the Town service within ninety (90) days of their separation) and provided they are able and qualified to perform the work required.

All other conditions of employment will be treated as any other leave with pay.

- 3) Leave without pay for the duration of military service beyond that specified in parts 1 and 2 above.

Employees shall be returned to their original position or to one similar in pay and duties upon their separation from such military service or from hospitalization arising from such service (provided they return to the Town service within ninety (90) days of their separation) and provided they are able and qualified to perform the work required.

All other conditions of employment will be treated as any other leave without pay.

(Editor's note: section 30.0.39 (f) revised on 10/23/90)

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g) Other Leave Without Pay. Employees may be granted other leave without pay including disability leave due to a medical condition after expiration of sick leave at the discretion of the Department Head with the concurrence of the Personnel Director when, in his opinion, the Town service would benefit from such leave. Such approval shall be granted only after consideration of the needs of the Town service, the service record of the employee, and the relevancy of the request to the needs of the Town. In all such instances, the Town reserves the right to replace such employee during the duration of the leave if business necessity warrants.

On authorized leave without pay (not to exceed one (1) year) shall not be considered as constituting a break in service except that vacation and sick leave shall not accrue if authorized leave is more than a month's duration. No medical benefits and life insurance costs will be borne by the Town during such authorized leave without pay except that an employee may pay the monthly premiums for such benefits at the group rate.

h) Absence Without Leave. Any employee who is absent from work for three (3) consecutive workdays without notifying his Department head or immediate supervisor of the reason for such absence shall be considered to have quit the Town service and shall be removed from the Town payroll as of the end of the third consecutive workday.

i) Maternity Leave (Pregnancy). It shall be the Town policy to treat requests for leave of absences for pregnancy purposes the same as any other temporary disability due to a medical condition.

An employee who wishes to request a leave of absence for pregnancy purposes must request such a leave in writing. The written request should specify the kind of leave to be used, the estimated length of absence, and if the employee intends to return to work at the end of the requested absence. A medical certificate must accompany such request, specifying the time such employee will be disabled. An employee shall use any accrued sick leave, and may use any accrued vacation leave and leave without pay for a leave of absence for pregnancy purposes.

The Town will make a reasonable effort to transfer a pregnant employee to any suitable temporary position which may be available when the Town or the pregnant employee reasonably believes the continued employment in the position held by the pregnant employee may cause injury to the employee or to the fetus. The employee has a right to appeal to the Personnel Board a decision made by the Town to transfer her.

The employee should notify the department head or her designated representative of the actual delivery date and expected date of return to work. The total period of leave of absence for pregnancy purposes should generally not exceed three (3) months following the date of delivery unless there are physical complications. An employee may return to her position as soon as she provides a medical certificate from her physician authorizing her to return to work.

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If the employee originally intended to return to work no later than three (3) months after childbirth and does not return to work, the employee will be assumed to have terminated her position unless the department head or his designated representative with the concurrence of the Personnel Director in accordance with the Personnel Rules, Section 30.0.39 (g) grants additional time off beyond the three (3) months leave.

An employee who is able to return to work at the end of the three (3) months but wishes to extend the original leave, may apply in writing at least two (2) weeks prior to the expiration of the original leave to the appointing authority or to his designated representative for an extension. This extension will be considered leave without pay. And, if granted, the position may or may not be held open for the employee.

An employee who is unable to return to work (due to a medical condition) at the end of the three (3) months and needs to extend the original leave, shall apply in writing at least two (2) weeks prior to the expiration date of the original leave to the appointing authority or his designated representative for an extension. The employee must provide a medical certificate in order to have the extension considered disability leave. The position will be held vacant for a reasonable length of time. Then, the position may or may not be kept vacant.

In all such instances, the Town reserves the right to replace such employee during the duration of the leave if business necessity warrants.

Any leave without pay which is granted after a medical certificate indicates that an employee can return to work, will mean the loss of fringe benefits while on such leave but the employee can remain in the Town insurance plan by reimbursing the Town for premiums.

### **30.0.40 Workers' Compensation.**

a) The Town shall continue to pay any employee collecting Workers' Compensation (up to one year from the date of the original injury) or disability benefits pursuant to The Hypertension and Heart Act, Title VII, Section 7-433(c), of the Connecticut General Statutes the difference between that amount and his regular weekly earnings provided that such supplementary benefits shall end one (1) year from the date on which the injuries were sustained.

b) Employees who are absent from duty through work-incurred illness, so recognized under the State of Connecticut Workers' Compensation Law or under the Statutes of Connecticut's Title VII, Section 7-433(c) Hypertension and Heart Act, shall not be charged with sick leave.

**30.0.41 Tenure.** Every employee who is legally appointed as a result of certification from an appropriate eligible list and who holds a regular appointment by virtue of

## **TOWN OF WEST HARTFORD PERSONNEL RULES**

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successful completion of his probationary period and every person currently employed by the Town at the time these rules take effect shall have tenure of employment in the classified service during meritorious service, except as otherwise provided in these rules.

### **30.0.42 Lay-off.**

a) When Permitted. An appointing authority may, with the approval of the Town Manager, lay off an employee whenever he deems it necessary by reason of shortage of work or funds, the abolition of the position, material change in the duties or organization, or for other related reasons which are outside the employee's control and which do not reflect discredit on the service of the employee.

b) Order of Lay-off. (1) Temporary employees shall be laid off before probationary employees and probationary employees before regular employees. Regular employees shall be laid off according to seniority within their respective classes and departments, the most recently appointed employee to be laid off first. (2) No employee laid off shall have any right or precedent over any other regular employee in the same class working in another department not involved in the lay-off.

c) Notice of Lay-off. In every case of lay-offs, the appointing authority shall give written notice ten (10) working days in advance of his action to the Personnel Director and the employee, and shall certify therein that the lay-off is for reasons not reflecting discredit on the employee.

d) Return of Lay-off Names to Eligible Lists. The names of regular employees laid off shall be placed on the appropriate reemployment lists according to seniority for the class in which the lay-off occurred unless the employee indicates in writing to the Personnel Director that he is no longer interested in employment. The names of probationary employees who are laid off shall be restored to their former position on the eligible list from which certification was made and the names of such employees shall not be placed on the reemployment list.

### **30.0.43 Disciplinary Action.**

a) Cause for Disciplinary Action. The following shall be sufficient cause for disciplinary action, though such action may be for causes other than those enumerated:

1. Willful violation of the provisions of the Charter or of these Rules.
2. Incompetence or inefficiency in the performance of the duties of the position to which the employee has been appointed.
3. Theft, willful destruction, wanton carelessness, or negligence in the care of Town property.
4. Habitual tardiness or absence from duty.
5. Refusal to perform a reasonable amount of compensated work after working hours when directed to do so by his supervisor.

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6. Conviction of a felony or misdemeanor involving moral turpitude.
7. Intoxication on duty or consumption of alcoholic beverages or illegal drugs on duty.
8. Conduct which reflects unfavorable upon the Town service.
9. Violation of any reasonable official order or failure to carry out any lawful and reasonable directions made and given by a proper supervisor.
10. Failure to observe safety regulations.

b) Types of Disciplinary Action. Following are the types of disciplinary action which may be invoked against employees of the classified service. They may be independently invoked.

1. Reprimand. An appointing authority shall report any verbal or written reprimand as part of the employee's service record by the forwarding of a written memorandum to the Personnel Director for the inclusion in the employee's file. A copy of such reprimand shall be forwarded to the employee. Such reprimand shall remain a part of the employee's service record for a period of one year.
2. Suspension. An appointing authority may, for disciplinary purposes, suspend, with or without pay, any employee under his control. Such suspension shall not exceed thirty (30) days for any one offense. Suspensions totaling more than thirty (30) days in any twelve (12) successive months shall be deemed a dismissal and be so treated.
3. Dismissal. An appointing authority may dismiss for cause any employee under his control occupying a position subject hereto when he considers that the good of the service shall be served thereby. It shall be the responsibility of the appointing authority in any case of suspension, demotion or dismissal, within five (5) days after the effective date of such action, to give the concerned employee a written statement setting forth in substance the reason therefore, and to file a copy of such statement with the Personnel Director and the chairman of the Personnel Board if appealed.

c) Appeals from Disciplinary Action. In all cases of dismissal the employee shall have the privilege of a public hearing before the Personnel Board as hereinafter provided.

**30.0.44 Submission of Resignation.** To resign in good standing an employee will give the appointing authority at least ten (10) working days prior notice unless the appointing authority, because of extenuating circumstances, agrees to permit a shorter period of notice.

**30.0.45 Employee Performance Review.** The Personnel Director shall develop a system of employee performance review covering the classified personnel of the Town.

A report on the administration of these systems shall at least be submitted annually to the Board.

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**30.0.46 Purpose of Review System.** The purposes of the employee performance review system which shall be established for the Town shall be: to assist Town employees to better performance through written records and discussion with their supervisors.

**30.0.47 Frequency of Review.** An employee performance review system shall provide for the frequency of review as follows:

- a) Regular Employees. The work of classified employees of the Town holding regular appointments shall be reviewed at least annually and a formal record made of the review.
- b) Probationary Employees. The work of classified employees of the Town holding probationary appointments shall be reviewed just prior to the completion of the probationary period and a formal record made of the review.
- c) Other Employees. Town employees of other than regular or probationary status shall not have their work reviewed under the provisions of this rule.

**30.0.48 Administration of System.** An employee performance review system shall provide for:

- a) Preparation of such review by supervisors on the forms and at the time designated by the Personnel Director, and submission of a copy for inclusion in the employee's personnel file.
- b) Mandatory provisions for the discussion of each review between the employee and supervisor doing the reviewing.

**30.0.49 Appeals From Administrative Decisions of Personnel Director.**

- a) General Provisions. The right of appeal from administrative decisions by the Personnel Director including any rejections of application, examination rating, removal of names from eligible lists, allocation or reallocation of position, is reserved to appointing authorities, employees, eligibles and applicants.
- b) Procedure for Appeals from Administrative Decision. The aggrieved individual shall notify the Personnel Director, in writing, stating the reason for his complaint or grievance within ten (10) calendar days of the effective date of the action being appealed. Such requests shall immediately be forwarded to the Board by the Personnel Director.
- c) Nature of Board Review of Administrative Decisions. Review of appeals from such administrative actions may be conducted at regular or special Board meetings, but in any case the Board shall have thirty (30) days to schedule a hearing date in the future for the requested review. In considering such appeals the Board shall permit the appellant to be heard, if he so requests. The decision of the Board shall be final.

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### **30.0.50 Appeals from Suspension, Involuntary Demotion and Dismissal.**

- a) Any employee under the classified service who shall be discharged, reduced in rank or compensation, or suspended without pay shall be presented with written reasons for such discharge, reduction or suspension within five (5) days thereafter. The employee shall have the privilege of a public hearing before the Personnel Board.
- b) Any employee who is discharged, reduced in rank or compensation, or suspended may appeal in writing to the Board, within ten (10) calendar days after the effective date thereof, setting forth in substance his reasons for claiming that such discharge, reduction or suspension was without just cause or because of his race, creed, or color, or because of his political, religious, or union opinions or affiliations, except affiliations with any group or organization which seeks or advocates the overthrow of the government of the United States by force or violence.
- c) Appeals shall be addressed to the Personnel Director for the Board. The Personnel Director shall forward a copy to the appointing authority concerned and the appeal shall immediately be forwarded to the Board by the Personnel Director.
- d) The Board will have thirty (30) days to establish a date for the hearing, which must be held not later than ninety (90) days after receipt of the appeal of such discharge, reduction or suspension of the employee.

### **30.0.51 Hearing Procedure.**

- a) On conducting hearings and investigations the Board shall act as a body, but special investigations and detailed work may be delegated by the Board to a member or to the Personnel Director. All decisions on such hearings shall be rendered by at least a quorum of the Board.
- b) All hearings shall be informal and shall not be subject to any technical rules or order or evidence except such as the Board itself may establish.
- c) The Chairman of the Board shall preside at the hearing or shall delegate that responsibility to one of the other members.
- d) Unless incapacitated, the appellant shall appear personally and may not be excused from answering questions and supplying information. The appointing authority and the appellant may elect to have legal counsel or anyone they designate appear in their behalf at such a hearing. However, the Town shall not assume responsibility for payment to any counsel appearing in behalf of either party, except when the Corporation Counsel of the Town or any one of his staff is called upon by the appointing authority, and this shall not affect the payment of his regular salary.



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- e) Hearings involving several appellants having a common issue may be considered jointly or individually, at the discretion of the Board.
- f) Unless incapacitated, failure of the appellant to appear at the hearing shall be deemed a withdrawal of this appeal and the action of the appointing authority shall be final.
- g) If the Board finds that the action appealed by the employee was taken by the appointing authority without just cause or because of his race, creed, or color, or because of his political, religious, or union opinions or affiliations, except affiliations with any group or organization which seeks or advocates the overthrow of the government of the United States by force or violence, such employee shall be reinstated in his former position or a position of like status and pay and shall be reimbursed for any loss of pay.
- h) In cases where an appellant's hearing results in failure to secure reinstatement after dismissal, the Board, taking into consideration the causes of dismissal, may recommend to the Town Manager reinstatement with transfer of the appellant to a comparable position in another department or may, with the approval of the Town Manager, place the appellant's name on an appropriate reemployment list provided, however, that there shall be no reimbursement by the Town for any loss of pay suffered by such appellant as a result of his dismissal.
- I) In all cases of appeal from suspensions, demotions and dismissals, the decision of the Board shall be final. Copies of the Board's decision shall be made available to the appointing authority and to the appellant.

### **30.0.52 Power to Administer Oaths, Subpoena and Demand Production of Records.**

In the course of any hearing or investigation conducted under the provisions of the Charter or of these Rules, the Board shall have the power to direct that an oath be administered, to subpoena, to require the attendance of witnesses within the Town and the production by them of books and papers pertinent to any matter of inquiry, and to examine such witnesses under oath, in relation to any matter properly involved in such proceeding. All witnesses so subpoenaed, who are not employees of the Town, shall be entitled to the same fees as are allowed in civil cases in courts of record.

Employees in the classified service of the Town shall be required to attend, if directed by the Town Manager or Personnel Director or the Personnel Board or the appointing authority, and testify without subpoena. If any employee shall willfully refuse to attend hearings as directed, willfully refuse to testify or answer any questions relative to the matter being heard by the Board, or knowingly give false testimony, he shall be dismissed from the classified service.

**30.0.53 Investigations by the Board.** The Board may, upon its own initiative, make such inquiries and investigations as it may deem to be warranted regarding the administration and effect of the provisions of these Rules and Chapter VIII of the Charter,

## **TOWN OF WEST HARTFORD PERSONNEL RULES**

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and to make such recommendations to the Personnel Director, Town Manager, or the Town Council as in its judgment may be warranted.

**30.0.54 Sexual Harassment in Employment.** It is the policy of the Town of West Hartford that sexual harassment in the workplace is unacceptable and will not be tolerated. All employees of the Town of West Hartford, whether management personnel or non-management personnel, are expected to avoid any behavior or conduct toward any other employee that could be interpreted as sexual harassment.

Sexual harassment is defined generally as “unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature.” Thus, no employee should be subjected to unsolicited and unwelcome sexual overtures or conduct, either verbal or physical or be led to believe that an employment opportunity or benefit will in any way depend upon “cooperation” of a sexual nature.

Sexual harassment may include such actions as: sex-oriented verbal “kidding,” “teasing,” or jokes; repeated offensive sexual flirtations, advances, or propositions; continued or repeated verbal abuse of a sexual nature; graphic or degrading comments about an individual or his or her appearance; the display of sexually suggestive objects or pictures; subtle pressure for sexual activity; physical contact such as patting, pinching, or brushing against another’s body; or demands for sexual favors.

Conduct of this type is improper if:

a) submission to the conduct is either an explicit or implicit term or condition of employment; b) submission to or rejection of the conduct is used as a basis for employment decisions affecting the person involved; or c) the conduct has the purpose or effect of interfering with an individual’s work performance or environment.

Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers to behavior which is not welcome, which is personally intimidating, hostile, or offensive which debilitates morale, and therefore interferes with our work effectiveness.

Appropriate management and supervisory personnel shall promptly investigate all complaints of sexual harassment, including interviewing the complainant and the person(s) alleged to have engaged in sexual harassment. If as a result of the investigation, it is found that the complaint has merit, the appropriate management and supervisory personnel shall take prompt corrective action. Such action may include discipline up to and including termination of the offending employee or employees.

Any employee of the Town of West Hartford who feels that he or she has been the victim of sexual harassment should notify his or her supervisor, department head, and/or the Employee Services Director at the very earliest opportunity. If the complaint is found to have merit, corrective action will be implemented. If the complaint is found to be of insufficient merit, all involved parties will be so notified.

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## **A CODE OF ETHICS** **FOR** **TOWN OFFICERS, OFFICIALS AND EMPLOYEES**

### **16.1) Establishment, purpose.**

The proper operation of the Town government requires that public officers, officials and employees be independent, impartial and responsible to the people; that governmental decisions and policies be made in the proper channels of the governmental structure; that public office and employment not be used for personal gain; and that the public has confidence in the integrity of its government. The purpose of this code is to set forth standards of ethical conduct; to assist public officers, officials and employees in establishing guide lines for their conduct; and to develop and maintain a tradition of responsible and effective public service. In recognition of these goals, there is hereby established for the Town the following Code of Ethics.

### **16.2) Definitions.**

As used in this document, the following words or phrases, unless a different meaning is required by the context or is specifically prescribed, shall have the meanings indicated:

*Agency* - Includes all departments, boards, commissions, committees and the Town Council of the Town.

*Officer, Official or Employee of the Town* - Members of the Town Council, boards, commissions, committees, departments or other agencies, whether the officers, officials and members are elected or appointed and all employees of the Town Board of Education, whether paid or unpaid, but shall not mean Justices of the Peace.

*Personal Interest* - As distinguished from private financial interest, shall include an interest arising from a blood or marriage relationship or close business association.

*Private Financial Interest* - Includes the private financial interest of a spouse or minor child of an officer, official or employee of the Town.

### **16.3) Standard of Service.**

All officers, officials and employees of the Town should be loyal to the objectives and purposes of the Town as expressed by the electorate, the Charter and the ordinances and the programs developed to attain those objectives. All should adhere to the rules and regulations of performance and work established as the standards for their positions by the appropriate authority. They should not exceed their authority nor seek to have others do so, and they shall work in full cooperation with other public officers, officials and

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employees unless prevented from so doing by law, by good conscience or by the officially recognized confidential nature of their work.

### **16.4) Use of public property by Town personnel restricted.**

No officer, official or employee shall request or permit himself or others the use of Town-owned or -leased vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided in conformance with established Town policies for the use of such officers, officials or employees in the conduct of Town business.

### **16.5) Special consideration prohibited.**

No officer, official or employees shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

### **16.6) Conflict of interest prohibited.**

No officer, official or employee of the Town shall engage in any business or transaction or shall have a private financial interest or personal interest, direct or indirect, which is incompatible or in conflict with the proper discharge of his official duties in the public interest or would tend to impair his independence or judgment or action in the performance of his official duties.

*Editor's Note: See Connecticut General Statutes 7-479*

### **16.7) Financial interest restricted.**

No member of the Council or any other officer or employee of the Town shall be financially interested, directly or indirectly, either as principal, surety, officer, partner or otherwise, except as a minority stockholder or except as a director in a corporation, in any contract with sales to, purchases from or compensable services made with or rendered with the Town. The provisions of this section shall not apply to any contract awarded to the lowest possible bidder after public advertisement.

### **16.8) Confidential information.**

Except as may be required by law, no officer, official or employee of the Town shall disclose any confidential information concerning the property, government business or affairs of the Town, and neither shall he use such information to advance the private financial interest of himself or others.

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### **16.9) Acceptance of gifts, gratuities and favors restricted.**

No officer, official or employee shall accept or solicit any valuable gift, whether in the form of service, loan, thing, promise or any other form, from any person who, to his knowledge, is interested, directly or indirectly, in any manner whatsoever, in business dealings with the Town, or which gift may tend to influence him in the discharge of his official duties, in granting any improper favor, service or thing of value.

### **16.10) Appearance on behalf of private interests.**

No officer, official or employee shall appear on behalf of private interests before any agency of the Town, nor shall he represent private interests in any action or proceeding against the Town in any litigation when said appearance or representation would be in conflict with or would tend to impair his independence of judgment and action in the performance of his official duties as such officer, official or employee. An elected officer or official shall not appear before a Town agency except on behalf of constituents in the course of performing his duties as a representative of the electorate. An officer, official or employee may appear before a Town agency in the performance of official, public or civic obligations.

### **16.11) Disclosure of interests required [Amended 5-24-77]**

A. Any officer, official or employee who has a private financial interest in any action, legislative or otherwise, by any Town agency and who is a member of, participates in discussion with or gives an official opinion to such Town agency shall disclose on the written records of such agency the true nature and extent of such interest. This section shall not apply to:

1. Contracts awarded to the lowest responsible bidder after public advertisement.
2. Unpaid appointed officials during a declared state of emergency.
3. Matters requiring disclosure to or approval by a court.
4. Interests by virtue of ownership of stock in a publicly held corporation in an amount less than ten percent (10%) of all issued and outstanding stock.

B. Every elected official, excluding Justices of the Peace and Selectmen, shall, on or before January 1 each year, file with the Town Clerk, on a form to be prepared by the Corporation Counsel, a statement, under oath, containing the following information:

1. All real estate located within the Town of West Hartford owned by him or held under a lease for a term exceeding five (5) years, excluding, however, his principal residence. The foregoing shall also apply to real estate owned or leased,

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as aforesaid, by a corporation, trust or partnership in which any such elected official is the legal or equitable holder of at least five percent (5%) of the legal or equitable interests in said corporation, trust or partnership.

2. The names of any firm, proprietorship, partnership or corporation of which said elected official is an employee or in which such elected official holds at least a five-percent (5%) interest and which firm, proprietorship, partnership or corporation has sold or supplied goods or services in excess of ten thousand dollars (\$10,000) per annum to the Town of West Hartford during the two (2) years immediately preceding such officials election to office.
3. Any income, fees, salary or wages directly or indirectly received by him/her from the Town of West Hartford or its political subdivisions during the two (2) years immediately preceding such official's election to public office.

C. Every member of the Zoning Board of Appeals and the Town Planning and Zoning Commission shall file a statement containing the information required in Subsection B(1) above on or before January 1 each year.

### **16.12) Political activities by Town personnel restricted.**

A. No paid officer, official or employee appointed by the Town Manager or by the Board of Education shall use the prestige of his position on behalf of any political party.

B. No officer, official or employee shall promise an appointment to any paid position under the Town Manager or the Board of Education as a reward for any political activity.

### **16.13) Commission established. [Amended 5-11-82]**

There is hereby established a Commission on Ethics consisting of five (5) members, to be appointed by the Town Council for a term of two (2) years, such term to start sixty (60) days after each new Town Council takes office. Two (2) members of the Commission shall be resident electors of the Town of West Hartford not members of the same political party, neither of whom shall be a Town officer, official or employee and one (1) of whom shall be an attorney at law. Three (3) members of the Commission shall be Councilmen, not more than two (2) of whom shall be members of the same political party. The Town Manager shall be a nonvoting member of the Commission for employee matters only. If a vacancy occurs before the end of a term, a member shall be appointed by the Town Council for the unexpired portion of the term. When an officer, official or employee has doubt as the applicability of a provision of this chapter to any specific situation, he/she may apply to the Commission on Ethics for an advisory opinion and shall be guided thereby. He shall have an opportunity to present his interpretation of the facts at issue and the applicable provision or provisions of this chapter, as requested by him, before such advisory opinion is made.

## **TOWN OF WEST HARTFORD PERSONNEL RULES**

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### **16.14) Powers and duties of Commission.**

The Commission on Ethics established by this chapter shall have the power and duty of enforcing sections 1 through 12. The Commission shall adopt and promulgate reasonable rules and regulations for the administration of this chapter, which shall be available to any elector of the Town upon request to the Commission. The Commission shall render advisory opinions to any agency of the Town and to officers, officials and employees pursuant to written request or upon its own initiative. All requests for opinions and opinions rendered therein shall be confidential and shall not be open to public inspection or disclosure. The Commission may, in its discretion, make public opinions which it believes will be in the public interest, but no such opinion shall be made public until deletions as may be necessary have been made to prevent disclosure of the identity of the officer, official or employee involved.

### **16.15) Violations and penalties.**

A. If any elected official, except a member of the Board of Education, shall be found by the Town Council to have knowingly violated the provisions of this chapter, the fact of such violation shall be noted upon the official records of the Town Council.

B. All other persons who shall be subject to this chapter and who shall knowingly violate its provisions shall be subject to removal from office in accordance with the provisions of Chapter XIV, Section 6, of the Charter of the Town.